

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BORGWARNER ITHACA LLC,

2:20-CV-10928-TGB-MJH

Plaintiff,

vs.

**SCHAEFFLER AG and
SCHAEFFLER GROUP USA
INC.,**

**ORDER (1) REQUIRING
MEDIATION; (2) PARTIALLY
STAYING CASE PENDING
MEDIATION; AND (3)
DENYING AS MOOT
DEFENDANTS' MOTION TO
STAY (ECF NO. 35)**

Defendants.

The Court believes that it would be prudent for the parties to make an effort to resolve this lawsuit through settlement discussions.

To that end, the Court orders that the parties undertake a facilitative mediation with the Hon. Gerald R. Rosen (retired) pursuant to Local Rule 16.4. The parties have agreed to Judge Rosen serving as the mediator. The Court's Technical Adviser Christopher G. Darrow shall assist Judge Rosen with those settlement efforts. The parties previously consented to Mr. Darrow assisting in settlement discussions.

Judge Rosen shall be authorized to conduct the mediation in a manner that he considers most effective, including by determining its: (i) format, (ii) number of sessions, (iii) participants, aside from counsel from

each side who shall attend, it being understood that such representatives must include persons with full settlement authority, (iv) location, and (v) date(s). The Court directs Judge Rosen, Mr. Darrow, and the parties to make all reasonable efforts to conduct the mediation at the earliest available opportunity. Failure of a party to comply with Judge Rosen's determinations may result in this case being dismissed, or a pleading/answer being struck.

To allow the parties to devote their efforts toward such settlement discussions, the proceedings in this case are hereby **STAYED** until February 28, 2022, with the exceptions of Defendants' pending Motion to Dismiss (ECF Nos. 33, 34) and Motion for Leave to Amend (ECF No. 29). In the event that oral argument is appropriate on these motions, it shall be scheduled after briefing is completed. Defendants' Motion to Stay Proceedings Pending Adjudication of Defendants' Motion to Dismiss (ECF No. 35) is moot and will therefore be **DENIED**.

If this case does not settle, the attorneys for the parties shall work with Mr. Darrow to propose a new schedule for this case.

SO ORDERED this 19th day of November, 2021.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge